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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-second session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Netherlands

1. The Committee considered the tenth, eleventh and twelfth periodic reports of the Netherlands (CERD/C/319/Add.2) at its 1252nd and 1253rd meetings, held on 5 and 6 March 1998, and adopted, at its 1272nd meeting, held on 19 March 1998, the following concluding observations.

A. Introduction

2. The Committee welcomes the opportunity to continue its dialogue with the State party and the detailed report submitted. It notes with appreciation that the report covers the European part of the Kingdom of the Netherlands and, additionally, the Netherlands Antilles and Aruba. The Committee particularly appreciates the open and constructive dialogue with the representatives of the State party and the additional information given orally on the wide range of questions asked by members.

3. The considerable delay in submitting the report is noted, and that it contains information which has not been updated.

B. Positive aspects

4. The concepts of multicultural society and inter-cultural education, of proportional participation in employment in the army and the police, as well as the involvement of the civil society in activities aiming at the elimination of racial discrimination and intolerance are noted with great interest.

5. Different policies and programmes initiated by the Government or by local authorities in the fields of multicultural education and education of children of minorities, employment, combating racist messages through the Internet and involving persons from different minorities in health programmes and activities are also noted with interest.

6. The efforts undertaken and the innovative measures adopted by the State party to prevent and combat racial discrimination are welcomed. In this regard, note is taken of the Government's willingness to recognize existing problems and to find appropriate solutions, both legislative and administrative.

7. The active participation of organizations representing ethnic minorities, schools and employers in the elaboration and the execution of governmental programmes to combat racism is noted with appreciation. Such involvement has contributed to achieving more successful implementation of reforms and programmes to combat racial discrimination.

8. It is noted with interest that the draft Matching Bill, expected to come into force in July 1998, contains provisions aimed at narrowing the existing differences in the state of health between members of ethnic and national minorities and the rest of the population. It is noted that, according to the draft legislation, illegal immigrants will be provided with essential health-care services.

C. Concerns and recommendations

9. Concern is expressed over the dissemination of ideas of racial superiority and of intolerance by various organizations, political parties and individuals. Although new guidelines for the Public Prosecution Department entered into force in 1993, requiring the pursuit of an active investigation policy in discrimination cases and that prosecution be undertaken in all such cases, reports from non-governmental organizations indicate that these guidelines are not complied with consistently. The Committee recommends that more attention be given to countering such activities and to investigating and prosecuting discrimination cases more actively and effectively.

10. The increasing racial segregation in society, mainly in the big towns, with so-called "white" schools and neighbourhoods, is also noted with concern. Similar trends are also noted in Aruba and in parts of the Netherlands Antilles. The Committee draws the attention of the State party to the relevance of its General Recommendation XIX to such trends.

11. Concern is also expressed over practices relating to the entry and control of foreigners, both in the continental territory and in Aruba and the Netherlands Antilles, which could lead to racial discrimination in effect. The Committee requests the State party to take the necessary measures to see that regulations and practices in this field do not have such effects.

12. The disproportionately low rate of participation of minorities in the labour market and their increasing unemployment rates, whereas the rates for the rest of the population are stable, are noted with concern, as well as reports of both direct and indirect forms of discrimination in recruitment

procedures. The Committee recommends that further action be taken to ensure and promote equal opportunity in economic and social life, in particular as regards education and employment. Special attention should be given to the information and conclusions found in two ILO reports, "The documentation and evaluation of anti-discrimination training activities in the Netherlands" (1997) and "Discrimination against migrant workers and ethnic minorities in access to employment in the Netherlands" (1995).

13. Concern is also expressed at the under-representation of ethnic minorities in most areas of education and in particular that only an estimated 2 per cent of the total student population in higher education comes from ethnic minorities. As for Aruba and the Netherlands Antilles, concern is expressed that the process of education may not give the necessary attention to the fact that the majority of the population speaks Papiamento. The Committee requests the State party to give more attention to providing students from ethnic minorities at all levels of education, as appropriate, instruction in their mother tongue.

14. The Committee also requests more information about the implementation of the 1994 Law of Equal Treatment and the activity of the Commission for Equal Treatment. The Committee draws attention to proposals to extend the competence of this Commission and to make it more effective in countering discrimination.

15. The Committee suggests that the State party review its arrangements for the coordination by one ministry of all actions in implementation of the Convention, including reporting obligations.

16. It is further recommended that the next report introduce a consistent nomenclature and classification of ethnic and national minorities, and that the State party include information regarding the Frisian minority and data on the total population according to ethnic and national origin.

17. The Committee recommends that the State party's next report, due on 9 January 1997, be an updating report and that it address all the points raised in the present observations.